

## **REMARKS/ARGUMENTS**

### **1.) Claim Amendments**

The Applicant has amended claim 5 in order to correct the claim dependency issue. Applicant acknowledges that claim 15 was amended in Applicant's previous Response dated February 27, 2009. Claim 15 is now correctly labeled as previously presented. Accordingly, claims 1-17 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

### **2.) Examiner Objections – Claims**

Claim 5 has been amended to address the Examiner's objection.

### **3.) Claim Rejections – 35 U.S.C. § 103(a)**

#### **A. Claims 1-4, 6, 8-13, and 15**

Claims 1-4, 6, 8-13, and 15 stand rejected under 35 U.S.C. 103(a) as being obvious over Katseff, et al. (US 6301258 B1) (hereinafter Katseff) in view of Chang (US 6330247 B1). Applicant respectfully disagrees.

Katseff discloses reducing latency in packet telephony caused by anti-jitter buffering, audio data elements are received and placed in a telephony input buffer used for anti-jitter buffering. Rather than wait until the buffer is full, the audio data elements are clocked, or played, out of the buffer at a rate slower than the normal play rate. In this way, latency due to the initial buffer fill period is reduced or eliminated. Audio data elements continue to be played out at a slower than normal rate until the buffer fill level reaches a threshold. At that time, the play rate for sending data elements out of the telephony input buffer is adjusted to the normal play rate. In an alternative embodiment of the present invention, the fill level of the telephony input buffer is controlled within a desired range by speeding up or slowing down the rate at which audio data elements are played out of the telephony input buffer. In yet another alternative embodiment, the amount of latency jitter in the packet network is measured and the size of the telephony input buffer is adjusted based upon the relative amount of jitter, such that the relative

size of the buffer is reduced when the packet network is quiet, and the size of the buffer is increased when the network is relatively jittery. (Katseff, Abstract)

Chang teaches communicating both voice and control data between a communication device (such as a cellular phone) and an external accessory (such as a hands-free kit) over a data bus. The method includes formatting a sequence of bits into a repeating sequence of first time slots and second time slots, transmitting the voice data in the first time slot, and transmitting the control data in the second time slot. Notably, a first bit of each of the second time slots comprises a clock bit that alternates between a high value and a low value (e.g. a "1" or a "0") as between consecutive second time slots. (Chang, Abstract)

First, the Examiner's attention is directed to the fact that the combination of Katseff and Chang fails to teach, disclose, or suggest the device of Applicant's claims 1, 8, and 15. Katseff discloses a PC based packet phone. In other words, each of the elements disclosed in Katseff is resident on the PC. (Katseff; col. 3, lines 5-9) As such, Katseff teaches away from the "device" or "audio device" as recited by Applicant's independent claims. The Examiner seeks to cure this deficiency by citing Chang for its purported teaching of a separate device, i.e., a hands-free kit.

The Examiner has conceded that Katseff does "not disclose explicitly a device separate from an associated personal computer (PC)". (See Office Action dated 5/19/2009, section 5) As such, necessarily, Katseff also fails to teach that "the device comprises; a software frame buffer for buffering the digital packets; a coder/decoder (codec) connected to the buffer for decoding the digital packets and a digital-to-analog-analog-to-digital (D/A-A/D) converter connected to the codec, for converting the digital packets into an analog signal", as recited by Applicant's claims. The Examiner argues that Katseff teaches a software frame buffer, a coder/decoder, and a digital-to-analog-analog-to-digital converter. Assuming for argument's sake that the Examiner is correct in this interpretation of Katseff, based on this information, Katseff necessarily teaches away from a separate device comprising a software frame buffer, a D/A-A/D converter, and a codec. This brings us to the addition of the Chang reference.

Chang is cited in order to provide a teaching of a hands-free kit (as a separate device). As stated during a phone call on August 19, 2009, between the Examiner and Applicant's representative, Thomas Bethea, Jr., the citations to Chang provided in the present Office Action are incorrect. For example, the citation references an "element 10", Fig. 8A, Fig. 8B, and Fig 8C in the Chang reference. However, the element and cited figures do not exist in Chang. Applicant's close reading of the citations to the Chang specification produced no teaching that supported the Examiner's argument. Since the Chang reference has been improperly cited, Applicant **respectfully requests the issuance of a new Final Office Action.**

Second, the Examiner's attention is also directed to the fact that the combination of Katseff and Chang fails to teach "connecting a telephony application, resident on the PC, to the device via the network connection", as recited in claim 1.

The present invention discloses in one embodiment, transferring an asynchronous digital audio signal for telephony using a sound device connected to the PC. The sound device handles both incoming and outgoing speech. The digital audio signal is transferred asynchronously through the PC between a network, to which the PC is connected, and the sound device. The main signal processing of the digital audio signal is performed in the sound device, which can be designed to handle speech in full duplex. The device as recited by Applicant's claims provides the specific advantages of: simultaneously handling both the audio signal and other audio messages in the PC, simultaneously handling both the audio signal and non-audio applications in the PC without deterioration of the speech, less delay of the audio signal in the PC, higher quality of the audio signal transferred by the PC also when running other non-audio applications. (See Applicant's Published Specification, ¶ [0010] to [0023])

The Examiner argues that the I/O port of Katseff reads on the network connection as recited by Applicant. However, FIG. 1 of Katseff shows that its I/O port connects network layer 130 to modem 140. As such, Katseff cannot teach "connecting a telephony application, resident on the PC, to the device via the network connection", as recited by claim 1.

For at least the above reasons, independent claims 1, 8, and 15 are patentable over Katseff in view of Chang. Claims 2-4, 6, and 9-13 are patentable at least by virtue of depending from their respective base claim.

**B. Claims 5, 16, 17**

Claims 5, 16, 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff and Chang as applied to claims 1, 8, and 15 above, and further in view of Staudacher et al (US 5657384).

The Examiner concedes that Katseff and Chang fail to teach the elements of claims 5, 16 and 17. In order to cure the Examiner's perceived deficiency, Staudacher is cited.

As argued above in Section 3.) A., Chang has been cited improperly. As such the combination of Staudacher with Katseff and Chang also fails. Therefore, Applicant respectfully submits that claims 5, 16, and 17 are patentable over the combination of Katseff, Chang, and Staudacher.

**C. Claims 7, 14**

Claims 7, 14 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Katseff and Chang as applied to claims 1, 8, 15 above, and further in view of Guy, et al. (US5657384)(hereinafter Guy).

The Examiner concedes that Katseff and Chang fail to teach the elements of claims 7 and 14. In order to cure the Examiner's perceived deficiency, Guy is cited.

As argued above in Section 3.) A., Chang has been cited improperly. As such the combination of Guy with Katseff and Chang also fails. Therefore, Applicant respectfully submits that claims 7 and 14 are patentable over the combination of Katseff, Chang, and Guy.

**6.) Prior Art Not Relied Upon**

In paragraph 9 on page 14 of the Office Action, the Examiner stated that the prior art made of record and not relied upon is considered pertinent to the Applicant's disclosure.

### **CONCLUSION**

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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